

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JOSEPH "JOSE" BANKS

FILED

9-3-08
SEP 03 2008

MAGISTRATE JUDGE COLE

NF

Under Seal
CRIMINAL COMPLAINT

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CASE NUMBER:

08CR

688

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 26, 2008 in Cook county, in the Northern District of Illinois, defendant,

by force and violence, and intimidation, did attempt to take from the person and presence of bank employees at Chase Bank, 5134 North Clark Street, Chicago, Illinois, United States Currency belonging to and in the care, custody, control, management, and possession of Chase Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation,

in violation of Title 18, United States Code, Section 2113(a).

I further state that I am a Task Force Officer with the Federal Bureau of Investigation and that this complaint is based on the following facts:

Please see attached affidavit.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Dominick A. Cecala
Signature of Complainant

Sworn to before me and subscribed in my presence,

September 3, 2008
Date

at

Chicago, Illinois
City and State

Jeffrey Cole, U.S. Magistrate Judge
Name & Title of Judicial Officer

Jeffrey Cole
Signature of Judicial Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

I, Dominick A. Ciccola, being duly sworn under oath, state as follows:

1. I am a Task Force Officer with the Federal Bureau of Investigation ("FBI") and have been so employed for 2 years. I am currently assigned to the FBI's Violent Crimes Task Force ("VCTF"). As a member of the VCTF, I am responsible for investigating violent crimes, including kidnapping, fugitive and bank robbery investigations. In addition to my assignment to the FBI, I have served with the Chicago Police Department ("CPD") for the past 17 years, and have been a detective with CPD for the past 7 years.

2. I make this affidavit from personal knowledge based upon my participation in this investigation, reports I have reviewed, information received from other law enforcement agents and private businesses, my experience and training, and the experience of other agents. The information outlined below is provided for the limited purpose of establishing probable cause and therefore does not contain all details or all facts of which I am aware relating to this investigation.

3. As set forth below, there is probable cause to believe that Joseph "Jose" Banks has committed several bank robberies and attempted bank robberies in the Chicago area, including the attempted bank robbery of Chase Bank located at 5134 N. Clark Street, Chicago, IL on August 26, 2008, in violation of Title 18, United States Code, Section 2113(a).

BACKGROUND OF THE INVESTIGATION

4. The FBI has been investigating over twelve "take-over" bank robberies that occurred on the north side of Chicago between December 31, 2004 and August 26, 2008. The bank robberies typically involved two armed robbers inside the bank, although information obtained during the course of the investigation indicates there were more than two subjects involved in the robberies. The subjects wanted in these bank robberies were described as being male blacks, between the ages of 25 to 30, 5'07" to 6'00" in height, and weighing between 160 to 200 pounds. One of the subjects would speak in a Jamaican accent during the bank robberies. The subjects would use several different types of disguises, including wearing a fluorescent-colored reflective vest and a painter's mask that gave the impression the subjects were construction workers. The subjects would enter the bank at gunpoint and order the bank employees to the vault. Based on their statements to bank employees during the robberies, the subjects appeared to have a detailed understanding of how the bank vaults worked, for example, how many bank employees were needed to open the vault and who had authority to grant access to the vault. After the subjects took currency from the vault, they would exit the bank through the rear door. These take-over robberies were captured on bank surveillance cameras and showed that one of the subjects would carry his semi-automatic handgun in his left hand.

5. On March 6, 2006, a take-over robbery was committed at the Chase Bank, located at 5134 North Clark Street, Chicago, Illinois. Two subjects, INDIVIDUAL A and INDIVIDUAL B, were arrested and charged federally for their participation in the bank robbery. During subsequent proffer sessions with the government, INDIVIDUAL B provided detailed information about how he learned to carry out take-over bank robberies and the various individuals that had participated in

a series of unsolved take-over bank robberies in the Chicago area. FBI agents were able to corroborate information provided by INDIVIDUAL B during these proffer sessions regarding details of the unsolved bank robberies. For example, INDIVIDUAL B provided information regarding the clothing worn by the bank robbers during several of the robberies, what was said to the victim tellers, whether a dye pack was included with the money taken, whether a dye pack went off when the subjects fled from the bank, how much money was taken, how the money was cleaned if a dye pack did explode and what getaway vehicles were used.

6. Among the information provided, INDIVIDUAL B implicated a subject by the name of Joseph "Jose" Banks as the individual who taught him how to commit take-over bank robberies, recruited him to participate in the robberies and organized approximately ten take-over bank robberies on the north side of Chicago between December 2004 and August 2005. INDIVIDUAL B described Banks, who is INDIVIDUAL B's cousin, as the most aggressive of the participants, and stated that Banks would like to be the first to enter the bank with his handgun drawn. INDIVIDUAL B explained that he committed several bank robberies with Banks both as a getaway driver and, in some cases, entering the bank with Banks.

7. After reviewing images from bank surveillance videos, INDIVIDUAL B identified Banks as one of the participants in multiple bank robberies. INDIVIDUAL B stated that Banks would often speak in a fake accent, pretending to sound like a foreigner when he committed the bank robberies. INDIVIDUAL B further stated that Banks would carry his handgun in his left hand during the robberies. Moreover, INDIVIDUAL B described how Banks would destroy evidence or direct others to destroy evidence after the bank robberies, for example, the clothing that he and his co-conspirators wore during the robbery.

8. Inquiry into court records revealed that Jose Banks was arrested on an unrelated state charge of armed robbery on January 1, 2006 and was released from state custody on January 3, 2007 after state charges were dismissed. According to court records, Banks's physical characteristics are: Male, Black, Date of Birth: July 9, 1975, 5'8" tall and 165 lbs.

RECENT BANK ROBBERIES

Attempted Robbery of First Commercial Bank on August 30, 2007

9. On or about August 30, 2007, an attempted take-over bank robbery occurred at the First Commercial Bank, located at 6945 North Clark Street, Chicago, Illinois. Specifically, a black male (hereinafter referred to as SUBJECT) who was dressed as a construction worker wearing a reflective vest and a light colored painter's mask, and carrying a large piece of wood, knocked on the rear window of a door that led to the back of the bank. VICTIM 1, a bank auditor who thought the SUBJECT was a worker, opened the rear door of the bank allowing the SUBJECT to enter.

10. Upon entering the bank, the SUBJECT produced a semi-automatic handgun and pointed it with his left hand at VICTIM 1. The SUBJECT ordered VICTIM 1 to move towards the bank lobby. VICTIM 1 refused and ran behind a conference table. The SUBJECT then walked into the lobby area of the bank where he confronted several bank employees. The SUBJECT pointed his handgun at the bank employees and ordered them to go to the vault. Some of the bank employees were able to escape through a side door. CPD officers and FBI agents responded to the scene of the attempted bank robbery after receiving a report that the SUBJECT was inside the bank holding several hostages. After a four hour standoff and no response from the SUBJECT or hostages, CPD and FBI special weapons and tactics ("SWAT") team members entered the bank. SWAT members were able to locate and rescue bank employees who had locked themselves in the

lower level vault area of the bank. After a complete and secure check by members of SWAT, it was determined the SUBJECT had escaped through the rear door of the bank.

11. FBI agents then interviewed several bank employees who witnessed the attempted bank robbery. The description provided of the SUBJECT was a male black, approximately 30 years of age, between 5'08" to 5'10" tall, and weighing 170 pounds. Witnesses stated that the SUBJECT carried his handgun in his left hand and spoke with a Jamaican accent.

12. On September 7, 2007, VICTIM 1 was shown a photo array of six individuals that included a photo of Jose Banks. VICTIM 1 was told that the photo array may or may not contain a photograph of the subject who attempted to rob the First Commercial Bank on August 30, 2007. VICTIM 1 positively identified a photo of Jose Banks as the person who attempted to rob the First Commercial Bank on August 30, 2007.

13. On October 18, 2007, the government applied for and received a court order for, among other things, historical cell tower information for a cellular telephone used by Banks. The FBI has received records pursuant to that court order which indicate that the cellular telephone used by Banks was hitting off of cell towers in the vicinity of the First Commercial Bank, located at 6945 North Clark Street, Chicago, Illinois on August 30, 2007 shortly before and after the attempted bank robbery.

Robbery of Citibank on December 28, 2007

14. On or about December 28, 2007, a "take-over" bank robbery occurred at the Citibank branch located at 3128 North Ashland Ave., Chicago, IL. At approximately 2:30 p.m., a black male (hereinafter referred to as SUBJECT), wearing a tan trench coat, dark suit, sunglasses, fake beard and wig, entered the bank and approached a bank teller, VICTIM 2, while displaying a

small silver hand gun. SUBJECT then jumped over the teller counter and ordered VICTIM 2 and other employees to go into the vault. A review of bank surveillance video from the robbery shows that the SUBJECT carried the silver hand gun in his left hand. At one point, SUBJECT put the hand gun to VICTIM 2's head and ordered VICTIM 2 to open the two ATM machines and the bank vault while the other bank employees were ordered down on the floor. Witnesses reported that during the robbery the SUBJECT appeared to be speaking to someone outside the bank and was overheard several times saying "Am I clear?" The SUBJECT placed the money from the ATM machines and the vault into two black messenger bags and left the bank with approximately \$317,000.00

15. On January 2, 2008, VICTIM 2 was shown a photo array of six individuals that included a photo of Jose Banks. VICTIM 2 was told that the photo array may or may not contain a photograph of the subject who attempted to rob the Citibank on December 28, 2007. VICTIM 2 positively identified a photo of Jose Banks as the person who robbed the Citibank on December 28, 2007.

16. On or about December 4, 2007, law enforcement agents were conducting surveillance of Jose Banks and observed him enter the Village Discount Outlet thrift store located at 2032 North Milwaukee Ave., Chicago, IL. Surveillance observed Banks exit the thrift store with a shopping bag. On January 7, 2008, law enforcement obtained a copy of surveillance video from the Village Discount Outlet Store located at 2032 North Milwaukee Ave, Chicago, IL, capturing customers at the thrift store on December 4, 2007. The surveillance video shows Jose Banks purchasing a trench coat and two-piece dark suit consistent with those worn by the bank robber of Citibank on December 28, 2007. Law enforcement agents also interviewed the cashier who served the customer

on December 4, 2007. The cashier identified Jose Banks from an Illinois driver's license photograph as a customer who she had seen in the Village Discount Outlet Store before.

Robbery of Citibank on July 19, 2008

17. On or about July 19, 2008, at approximately 10:08 a.m., the Citibank branch, located at 3753 North Clark Street, Chicago, Illinois, was robbed by a male subject (hereinafter referred to as SUBJECT), wearing a dark suit, a black curly-haired wig and a nylon stocking over his face.

18. Based on a review of surveillance video images and witness interviews, the SUBJECT entered the Citibank carrying an umbrella, approached the teller counter, pulled out a silver hand gun, and told the tellers to move. Several witnesses have reported that the SUBJECT brandished the silver hand gun in his left hand during the robbery. The SUBJECT then slid over the teller counter and ordered the employees to go to the vault. Several of the employees were directed to lay face down in the hallway next to the vault. While on the ground, one of the employees ("VICTIM 3") heard the SUBJECT state something to the effect of, "Is anyone there?" VICTIM 3 did not believe the robber to be speaking to anyone in the bank and did not hear any response to the question. VICTIM 3 believed the SUBJECT to be communicating with someone outside of the bank.

19. According to witnesses, after being told bank security measures to open the vault required an additional person to be present who was currently in the lobby, the robber returned to the lobby of the Citibank. The robber walked over to the personal banker ("VICTIM 4") as well as a customer ("VICTIM 5") who was with VICTIM 4, brandished his weapon, and ordered them to go to the back of the bank near the vault. The SUBJECT then directed VICTIM 5 to lay face down

in the hallway between the teller counter and vault. VICTIM 5 overheard the robber say approximately three times something to the effect of, "Watch the front door, Johnny" as the robber was moving between the vault area and teller counter area where the robber could see the front door. VICTIM 5 believed the SUBJECT must have been talking either to an accomplice inside the bank or communicating with an accomplice outside of the bank by radio or cell phone.

20. The bank robber then returned to the vault area and the bank employees complied with the SUBJECT's demands to open the vault door. As the vault door was opened, VICTIM 4 heard the robber state, "Vault open." VICTIM 4 did not believe the SUBJECT was speaking with anyone in the bank when he announced the vault being open. The robber then removed United States currency from the vault. The employees opened the ATM vaults and the SUBJECT removed more United States currency from all three ATM vaults. VICTIM 4 stated the robber kept mumbling as he was taking money from the vaults and repeating his words as if to let someone else know the progress of the robbery.

21. The SUBJECT then returned to the lobby where he picked up his umbrella and walked toward the door. The bank robber did not directly exit the bank, but instead paced in a five foot area in front of the door for approximately 18 seconds prior to exiting. The robber then exited the bank and walked northbound. A bank audit shows the total loss to the bank during the robbery was \$272,650.00.

Attempted Robbery of Chase Bank on August 26, 2008

22. On or about August 26, 2008, an attempted bank robbery occurred at the Chase Bank branch located at 5134 North Clark Street, Chicago, Illinois. At approximately 11:00 am, VICTIM 6 was working near the rear door of the Chase Bank installing wallpaper when he/she went to retrieve some materials from his/her van parked in the alley at the rear of the bank. While walking

to his/her van, VICTIM 6 observed a black, male subject (hereinafter SUBJECT) wearing what appeared to be a fake beard, standing near the rear door way of the bank and leaning up against the back wall of the building. After looking at the SUBJECT several times, VICTIM 6 proceeded to his/her van. While at the van, the SUBJECT approached VICTIM 6, held a gun to his/her back and ordered him/her to walk toward the rear door to the bank. According to VICTIM 6, the SUBJECT carried the gun in his left hand and kept it pointed against VICTIM 6's back as they walked through the back doors of the bank. As they approached the second set of doors into the bank, VICTIM 6 noticed that the subject had his gun in his left hand and the gun was lowered to his side.

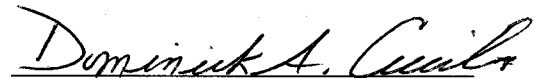
23. The SUBJECT and VICTIM 6 walked into the bank and passed a cubicle where a loan officer, VICTIM 7, was sitting. The SUBJECT pointed his gun at VICTIM 7 and ordered him to get up. The bank manager, VICTIM 8, was standing a few feet away from the SUBJECT at this point and was able to see the subject's face. VICTIM 6 then ran through the bank, shouting to bank employees and customers that they were being robbed and to call 911, and then ran out of the front door. The SUBJECT then turned and ran out the rear door of the bank. At the time of the attempted robbery, Chase Bank's deposits were insured by the Federal Deposit Insurance Corporation (FDIC).

24. On August 26, 2008, VICTIM 6 was shown a photo array of six individuals that included a photo of Jose Banks. VICTIM 6 was told that the photo array may or may not contain a photograph of the subject who attempted to rob the Chase Bank on August 26, 2008. VICTIM 6 positively identified a photo of Jose Banks as the person who attempted to rob the Chase Bank on August 26, 2008.

25. On August 26, 2008, VICTIM 8 was shown a photo array of six individuals that included a photo of Jose Banks. VICTIM 8 was told that the photo array may or may not contain a photograph of the subject who attempted to rob the Chase Bank on August 26, 2008. VICTIM 8 positively identified a photo of Jose Banks as the person who attempted to rob the Chase Bank on August 26, 2008.

26. Based on the above facts, I respectfully submit there is probable cause to believe that Jose Banks committed the attempted bank robbery of Chase Bank located at 5134 North Clark Street, Chicago, Illinois on August 26, 2008.

FURTHER AFFIANT SAYETH NOT.



Dominick A. Ciccola
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn before me
on this 3 day of September 2008.



JEFFREY COLE
U.S. MAGISTRATE JUDGE